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Letter dated 24 October 2005 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I wish to refer to the report of the Secretary-General on the situation of human rights in Myanmar (A/60/422) dated 10 October 2005, which came out only a few days ago. The report stated that it is based upon the good offices efforts undertaken by the Secretary-General and his Special Envoy aimed at facilitating national reconciliation and democratization in Myanmar, in accordance with General Assembly resolution 59/263 of 23 December 2004.

The report that came out contains important factual errors and goes far beyond parameters mandated by General Assembly resolution 59/263. The political development in Myanmar falls entirely under the domestic jurisdiction of my country and the report that is submitted to the General Assembly must be within the bounds of what the General Assembly in its resolution has requested.

The main thrust of the report seems to call into question the National Convention process, the first important step of the seven-point political road map for transition to democracy. It is the very road map that the Association of Southeast Asian Nations (ASEAN), together with its three dialogue partners, China, Japan and the Republic of Korea, has characterized as a "pragmatic approach deserving understanding and support".

The Government of Myanmar places special importance on the National Convention process, which will lay down the basic principles to be included in the new State constitution. The report stressed the importance of inclusiveness and regretted that the National Convention does not include representatives from the National League for Democracy (NLD) and the Shan Nationalities League for Democracy. It failed to mention however that the Government invited the representatives of these two political parties and that they declined to participate. Here I wish to call to your attention the importance of the participation of over one hundred representatives from the 17 armed groups in the National Convention process and that, in addition to these representatives, out of a total number of 1,086

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delegates in the National Convention, 633 are from the ethnic national groups. All 17 armed groups and not 16 as mentioned in the report are continuing their cooperation with the Government. The report mentioned that the Shan State National Army (SSNA) has withdrawn from the ceasefire agreement. On the contrary, all (5) component brigades of the SSNA remain within the legal fold.

The report mentioned the withdrawal of the funding pledges by the Global Fund while ignoring the fact that this action was politically motivated. The recipient of funding from the Global Fund with regard to Myanmar is not the Government but the United Nations Development Programme (UNDP). It should be noted that UNDP has been successfully implementing its Human Development Initiative (HDI) in Myanmar under the same operational environment.

The claim in the report that "Conflict has also escalated along the Myanmar-Bangladesh border" cannot be farther from the truth. Myanmar and Bangladesh maintain close, cordial and peaceful relations. The report exceeded its mandate when it attempts to evaluate the socio-economic policies of the Government and "risk of a humanitarian crisis", based on fundamentally flawed hypotheses. It exceeded its mandate and became prescriptive when it advocated a number of steps to be implemented within the early part of 2006. These steps remain the sole prerogative of the sovereign Government of Myanmar.

The Secretariat issues hundreds of reports and I fully understand that you personally are not in a position to verify all the details contained in a report. At the same time it is important for Member States that a report submitted to the General Assembly should be factual, objective and credible.

I would like to request that my letter be issued as a document of the General Assembly, under agenda item 71 (c): Human rights questions: human rights situations and reports of special rapporteurs and representatives.

(*Signed*) Kyaw Tint **Swe**
Permanent Representative